

## **REMARKS**

### **Claims Disposition**

In response to the Office Action dated July 7, 2008, Applicant respectfully requests reconsideration based on the above amendments and the following remarks. Claims 1-18 are pending in the application. New claim 18 has been added and support for claim 18 is found at least in paragraph [0010] of the specification.

### **Claim Rejections - 35 USC § 103(a)**

Claims 1-17 stand rejected under 35 U.S.C. § 103 (a) as being allegedly unpatentable over Fuller et al., U.S. Patent No. 4,893,335. Applicant respectfully traverses the rejection as set forth below.

First, in the current Office Action, it appears that the Office Action did not directly address “in response to the destination number being answered for communication with the caller, causing the outbound call requested by the caller to be billed to the home plan of the home telephone at the home plan rate for the caller”, as recited in claim 1. However, with regard to the home plan rate, the Office Action does refer to the direct dial rate in col. 13, lines 26-35 of Fuller. Col. 13, lines 26-35 of Fuller states “The ‘money saver’ mode is an offshoot from the remote mode. Basically, the money saver mode allows an individual to place telephone calls from an external location, such as a telephone booth, through the local station. **One of the advantages of this mode is the ability to make long distance calls from telephone booths at the direct dial rate rather than the substantially more expensive operator assisted rate required for long distance telephone calls from telephone booths.** [emphasis added]”

In contrast to the position of the Office Action, Applicant respectfully submits (as mentioned in the previous Response) that Fuller does not teach or suggest that the direct dial rate is the at the home plan rate, as recited in claim 1. There is no disclosure that the direct dial rate in Fuller is the home plan rate of the home telephone. Further, Fuller does not teach or suggest that the direct dial rate is billed to the home plan of the home telephone, as recited

in claim 1. Fuller only mentions the direct dial rate, but provides no details to render obvious the features of claim 1. From the disclosure of Fuller, it is only obvious that the direct dial rate is not an operator-assisted rate. However, from Fuller's disclosure, it would not be obvious to one skilled in the art to cause "the outbound call requested by the caller to be billed to the home plan of the home telephone at the home plan rate for the caller", as recited in claim 1.

Additionally, MPEP 2121.01 states "A reference contains an 'enabling disclosure' if the public was in possession of the claimed invention before the date of invention. 'Such possession is effected if one of ordinary skill in the art could have combined the publication's description of the invention with his [or her] own knowledge to make the claimed invention.' *In re Donohue*, 766 F.2d 531, 226 USPQ 619 (Fed. Cir. 1985)." Applicant submits that the teaching of Fuller (e.g., in money saver mode) does not enable one skilled in the art to cause "the outbound call requested by the caller to be billed to the home plan of the home telephone at the home plan rate for the caller", as recited in claim 1.

Second, claim 1, as amended, recites "in response to the caller replying to a third service announcement to initiate a conference call: receiving a plurality of conference call telephone numbers, each of the plurality of conference call telephone numbers being separated by a designated key; and causing application software to invoke the conference call to each of the plurality of conference call telephone numbers." Support for this claim amendment is found at least in paragraph [0021] of the specification.

With regard to a conference call, the Office Action cites to col. 9, lines 13-39 of Fuller. Col. 9, lines 13-39 of Fuller states "In order to understand the conferencing mode, one must understand the "three-way calling" capability commonly provided by conventional telephone service. In conventional telephone service, one may join a third party in an existing telephone conversation by flashing the hook switch to hold and obtain a dial tone. The telephone number of the third party is then dialed. After the third party answers the hookswitch is once again flashed, thereby connecting all three parties to each other. Conferencing with two outside stations can be accomplished by the control system 10

utilizing the telephone service "three-way calling" capability Accordingly, if the CPU 34 determines that the local station 12 is attempting to conference with an outside line, the off hook relay 36 is momentarily deenergized to simulate a hook flash to the telephone service central office. The existing outside call is then placed on hold thereby freeing up the lines 22 for placing another outside call. The local station 12 then dials a third party. When the third party answers, the off hook condition is detected by the line current detector 30 thereby causing the CPU 34 to actuate the off hook relay 36 to simulate a hook flash The hook flash then releases the original outside call from hold thereby connecting the two outside calls to each other and to the local station 12."

The above passage of Fuller (along with the remainder) fails to teach or suggest "in response to the caller replying to a third service announcement to initiate a conference call: receiving a plurality of conference call telephone numbers, each of the plurality of conference call telephone numbers being separated by a designated key; and causing application software to invoke the conference call to each of the plurality of conference call telephone numbers", as recited in claim 1. For example, Fuller does not disclose "receiving a plurality of conference call telephone numbers". Also, Fuller does not disclose "each of the plurality of conference call telephone numbers being separated by a designated key", as recited in claim 1.

Rather, Fuller uses three-way calling, where a user clicks over to another line by flashing the hook and then enters a single telephone number to be called. As such, Fuller does not and would not receive "a plurality of conference call telephone numbers" where "each of the...conference call telephone numbers [is] separated by a designated key". Furthermore, Fuller fails to disclose "a designated key", as recited in claim 1, because no telephones numbers are separated by a designated key in Fuller.

For at least the foregoing reasons, independent claim 1 is patentable over Fuller (in view of the interpretations set forth by Office Action). Dependent claims 2-9 depend from claim 1 and are patentable for at least the reasons advanced for claim 1.

Claim 10, as amended, recites "in response to the caller replying to a third service announcement to initiate a conference call: receiving a plurality of conference call telephone

numbers, each of the plurality of conference call telephone numbers being separated by a designated key; and causing application software to invoke the conference call to each of the plurality of conference call telephone numbers.” Fuller fails to teach or suggest the above-identified features of claim 10.

For at least the foregoing reasons, independent claim 10 is patentable over Fuller. Dependent claims 11-13 depend from claim 10 and are patentable for at least the reasons advanced for claim 10.

Claim 14, as amended, recites ““in response to the caller replying to a third service announcement to initiate a conference call: receiving a plurality of conference call telephone numbers, each of the plurality of conference call telephone numbers being separated by a designated key; and invoking the conference call to each of the plurality of conference call telephone numbers.” Fuller fails to teach or suggest the above features of claim 14. For at least the foregoing reasons, independent claim 14 is patentable over Fuller. Dependent claims 15-17 depend from claim 14 and are patentable for at least the reasons advanced for claim 14.

Further, new claim 18 recites “wherein causing the outbound call to be billed to the home plan of the home telephone at the home rate comprises billing the outbound call against a pre-purchased collection of minutes”. Fuller fails to teach or suggest the above features of claim 18. For example, Fuller does not indicate that the direct dial rate is billed to the home rate against a pre-purchased collection of minutes, especially since Fuller does not disclose that the direct dial rate is billed to the home rate plan. For at least the foregoing reasons, new claim 18 is patentable over Fuller.

## **Conclusion**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants’ attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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